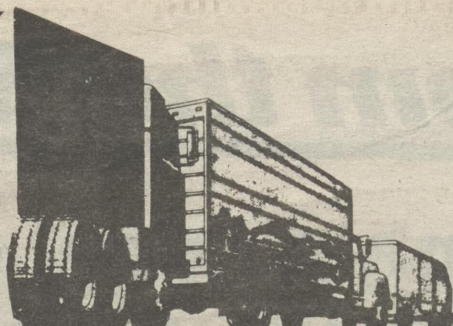




CONVOY DISPATCH



May 1986
#61

VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975



Theodus to Challenge Presser for IBT General President

It was an unusual monthly union meeting for Local 407 on April 27 as the 200 members present voted overwhelmingly to endorse their president, Sam Theodus, as an independent candidate for Teamster General President, to be nominated in May at the IBT Convention in Las Vegas. It was all the more unusual because of the setting, just a few short blocks from Jackie Presser's Ohio headquarters. Local 407 is the largest local in the Cleveland area, with over 5,000 members, mostly in the trucking industry.

The members also voted to back their Executive Board, which officially submitted an amendment to the IBT Convention providing the members the right to elect all twenty-one International officers. As well, they voted to send the amendment to all 700

local unions for consideration.

Many members left the meeting proudly wearing "Right to Vote" buttons, and some spoke to TV and newspaper reporters waiting to hear from Theodus. Typical membership comments were, "If election is good enough for the President of the United States, it's good enough for our union president," and "It's about time someone stood up...I'm glad it's our 407 president." The members also took petitions back to their barns to show membership backing for the right to vote.

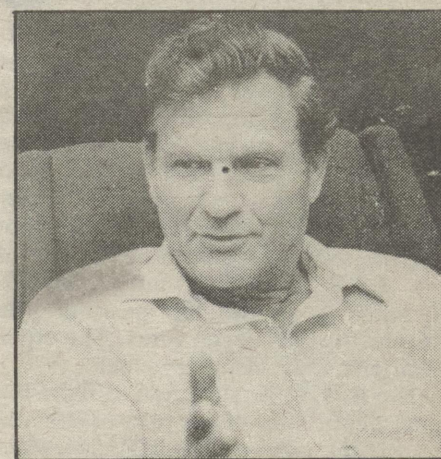
Issue Is Right to Vote

Theodus stressed that the issue is not Jackie Presser or any other individual, but the right of Teamster members to vote for all International

officers, and to control the union, free from outside interference. He said a cloud hangs over the Teamsters due to frequent reports of alleged organized crime influence, and the way to clear the air is through giving the members the right to vote. He stressed that organizing is a must, especially in the trucking industry, and that providing the right to vote will aid the union's image and organizing efforts as well.

Theodus went on to say he hoped his candidacy would break the ice, and that other officers would support the right to vote, as many local officers say they cannot come out publicly for anything Presser does not support.

The proposed amendment submitted by Local 407 is similar to one drafted by TDU members, but the 407 motion goes further. Theodus stated



Local 407 President Sam Theodus

Photo by William Ashbolt

he feels it is important to also give members the right to directly elect Joint Council and Area Conference officers, because they control grievance panels and other important aspects of our union.

Theodus, who is 55, has been a Teamster for 34 years and elected five times in the past fifteen years: twice as BA, then as secretary treasurer, and for the past two terms as president and

continued on page 6

Canadian Teamsters Show Why We Need Right to Vote

Right to Vote Slate Election Victory

"The members spoke loud and clear in this delegate election. They're upset with our local's failure to deal with the problems of unemployed members, six month delays in grievances, and a high-handed leadership. Lawson announced before the election that we were 'losers,' but we showed we are winners and we will go on winning."

So says Jack Vlahovic, after winning a delegate spot from British Columbia Local 213, Canada's largest Teamster local. Local 213 members had a chance to elect eleven delegates and three alternates, and they chose eleven of those fourteen from the "86 Rank & File Committee," which is pledged to support the Right to Vote.

The election was also something of a referendum on the leadership of the appointed Canadian Conference Director and Fifth International Vice President, Ed Lawson, who had predicted he would win the election. Lawson finished seventeenth. That's right, the top Teamster official in Canada could do no better than seventeenth place in his own local union, which just happens to be the largest one in the nation! The slate of business agents supported by Lawson finished at the bottom of the list, with only one finishing in the top eleven.

Diana Kilmury and Jack Vlahovic, both TDU members, took the first and second positions in the election. Kilmury told CD, "The members are fed up with Lawson's high-flying ways. He's not been to a local union meeting since October 1977. We've had some important and dirty labor disputes, and he's never around. Most

members have only seen him on TV, off hobnobbing with employers."

Delegates from Canada are planning to nominate Jack Vlahovic as a candidate for the Fifth Vice President spot at the Las Vegas Convention. Vlahovic was a business representative for eight years, and then elected principal officer of Local 213. He was later removed by the hierarchy and replaced by someone more to Lawson's liking.

Delegates from Local 213 have also introduced an amendment to the IBT Constitution to provide for autonomy for the Canadian Conference. This means Canadian Teamsters would have more say in their union, including choosing their Conference officers and director. The amendment makes very clear they do not want to separate from the IBT, but want the Constitution to recognize the national identity of Canadian Teamsters.



The "86 Rank & File Slate" that defeated Canadian Conference Director Ed Lawson and his supporters to become delegates to the IBT Convention. Front (L to R): Norm Wilkinson, Jack C. Vlahovic, Diana Kilmury, George Fennell; Second row: Duncan Callander, Fred Lansink, Tom Milne, Ed McDonough; Back: Al Fenske, Don Briscoe. Not pictured: Ross Kulak (delegate), Ed Johnson (alternate) and Will Walcott and Jack Koka (unsuccessful candidates).

Teamsters for a Democratic Union
P.O. Box 10128
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From the Members

Philadelphia Local 463 Election Ruled Illegal by Labor Dept.

On April 21, 1986, the U.S. Department of Labor, on behalf of the B.O.W.L. (Better Opportunity With Leadership) Slate, officially charged Local 463 with serious violations of the law in its recent election of officers. In the first election held since 1964, our rank and file slate came close to ousting the incumbent officers. Out of the 1,868 votes cast in our 3,300-member local, the top position was decided by only seven votes. The other positions were also very close.

The B.O.W.L. Slate had to fight the local every step of the way. With the knowledge gained from TDU, we were able to force the local to give us our rights under the law. We made them waive the illegal meeting-attendance rule, forced them to let us review all the current contracts in the local, and to make provisions for mailing out our campaign literature.

The local held a mail referendum

vote, which they say required the mailing of an additional 400 ballots to members who claimed not to have received their original. On the day of the count, there were only 181 of the 400 duplicates returned. Out of the 181 returned, 112 arrived with both the original and the duplicate. The local had additional ballots printed without our knowledge, and changed voting eligibility requirements the day the ballots were cast. They also refused us the use of a master checkoff list. The list goes on and on!

The Department of Labor has now stepped in, and through the courts will force the local to give us a new election, which they will supervise.

The Department of Labor action is particularly strong in charging Local 463 officers with allowing "fraudulent votes to be cast and tallied," denial of observer rights, denial of mailing rights to the challengers, denial of the

right to vote for some members, and permitting ineligible persons to vote.

Naturally, B.O.W.L. slate members are ecstatic about the labor department ruling, but the word is also out on the street and many members are excited about the news.

We have stood our ground, and we will prevail. We are Teamsters who believe our union belongs to the rank and file. Our strength as a union lies in the membership more so than the leadership. We need to get involved. Without TDU's know-how, we could not have come this far.

The next time Local 463 counts ballots, the B.O.W.L. Slate will come to power. This will be the start of a new direction in our local, a leadership who will say, "Voice your opinion, you are entitled to it," instead of, "Sit down and shut up, you're out of order." We will keep you posted on things as they develop.

The B.O.W.L. Slate

Local 463

Philadelphia, Pennsylvania

Strike Benefits Need to Be Increased at Convention

We have been on strike here in Watsonville since September 9, resisting an attempt by our employer to destroy our union. We struck rather than accept wage cuts to \$4.25 an hour, the elimination of our seniority system and the loss of our union shop.

The strike has been difficult for us. Dozens of families have lost their homes. Many of our children have left school to support their families.

We have received a great outpouring of support from the labor movement, and we're still hanging together, but it is very hard to feed our families.

One problem that has come up again and again is the need to raise strike benefits to more than \$55 a week.

Every time we've asked about this we have been told that strike benefits are set by the IBT Constitution.

We think it is very important that the convention in Las Vegas this May raise strike benefits to \$100 a week. We are speaking from our own experiences, but Watsonville is not the only place where employers are trying to destroy our union. It is in all of our interests to arm ourselves with a strike fund that can help resist these tactics now and in the future.

Chavelo Moreno

Gloria Betancourt

and other striking members
of Teamster Local 912

TDU

10 Years
and
Going Strong

Book Commemorates Ten Years of TDU Growth

A new booklet by TDU, titled *TDU — Ten Years and Growing Strong*, commemorates ten years of TDU history. Featured are over 60 photographs that tell the story of TDU — the events that led to its creation, and the people and victories that have made TDU one of the most outstanding organizations in today's labor movement.

Join in the celebration of TDU's 10th birthday. \$10.00 per copy.

☐ YES, I'd like _____ copies of *TDU — Ten Years and Growing Strong*. Enclosed is my check for _____ made out to TDU.

Name _____

Address _____

City _____ State _____ Zip _____

Send to: TDU, P.O. Box 10128, Detroit, MI 48210

How To Contact TDU

Call or write TDU at these locations:

TDU National Office: Box 10128, Detroit, MI 48210. (313) 842-2600.

TDU West Coast Office: Box 8548, San Jose, CA 95155. (408) 971-1035.

TDU/PROD Washington Office: 2000 P St. N.W., Room 612, Washington, D.C. 20036. (202) 785-3707.

TDU New York/New Jersey Office: YMCA Building, Room 619, 30 Third Ave., Brooklyn, NY 11217. (718) 834-0631.

TDU Steering Committee

Co-Chairs:

Doug Allan, #208
Pete Camarata, #299
Linda Gregg, #435
Maralee Smith, #142

Organizer:

Ken Paff, #407

Trustees:

Barbara Boriotti, #804
John Braxton, #623
Mike Friedman, #407

Members:

Emil Abate, #853
Archie Cook, #705
Manuel Diaz, #679
Edward Hernandez, #707
Doug Mims, #728
Mike Savoir, #41
Pete Sercombe, #150

Alternates:

Jerry Simon, #20
Jesse Mize, #688

MOVING? Please notify us of any change of address. Otherwise you will not receive your *Convoy Dispatch*, as it is sent third class mail and will not be forwarded to you. Use the membership application in any issue of the paper to let us know you are moving, and write on the top of the form: **CHANGE OF ADDRESS.**

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Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers, warehouse workers — every kind of Teamster and spouses too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 1985 for one year. Our Rank & File Convention had nearly 500 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to reform or to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All Business Agents and Stewards should be elected. Vacancies in offices should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining their company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent till proven guilty, right to remain on the job till final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right backed up by our union to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT HOUR DAY AND FIVE DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25 and out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the difference in age, race, and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.



Washington Watch

TDU Attorney Wins Precedent-Setting Decision

Court Overturns NLRB Deferral Policy

The U.S. Court of Appeals in Atlanta has overturned the Reagan NLRB policy of deferring to decisions by arbitrators and joint committees. The court ruled that the Board's *Olin* decision "gives away too much of the Board's responsibility" to insure that employees' statutory rights are protected.

The landmark decision upsetting a cornerstone of the Administration's program to "deregulate" the NLRB came in a truck safety case. Birmingham PIE driver and Local 612 member Melvin Taylor, was fired for refusing to drive a cab-over Ford tractor because he was too large to squeeze in behind the steering wheel. The Southern Conference Joint Area Committee upheld Taylor's discharge in one of its typically well-reasoned decisions:

"Grievance denied."

Taylor then went to the NLRB, seeking relief under the *Banyard* decision, which established that Teamster drivers could refuse unsafe trucks in certain circumstances. The administrative law judge ruled in his favor, but the Board reversed. It held that

"...[T]he Court observed that the NLRB 'ignores the practical reality of many joint committees proceedings in which individual rights may be negotiated away.'"

because Taylor's grievance and his NLRB case involved the same set of facts, the judge should have deferred to the grievance decision under its new *Olin* deferral doctrine. Taylor then

took his case to TDU attorney, Arthur Fox, who had won the *Banyard* case a decade earlier. And Fox challenged not only the *Olin* doctrine, but also the NLRB's policy of deferring to Teamster joint committee awards.

When striking down *Olin*, the court observed that the NLRB "ignores the

Professor Clyde Summers, who found that it was often little more than a charade for concealing reprisals against members.

Unfortunately, the court's decision will not have the effect of requiring the NLRB to change its deferral practices overnight. Only the U.S. Supreme Court can do that. However, it is an important step toward that end.

TDU is especially proud to be associated with this precedent setting victory, because the NLRB's *Olin* decision has hurt the entire labor movement, and in combatting it we are working for all unions and their members. The same is true of the *Meyers Industry* case, where TDU attorney Ellis Boal last year successfully sued the NLRB in the Court of Appeals.

Legal Briefs

Comprehensive Truck Safety Bill Introduced in Congress.

On April 127, a bill was introduced in Congress that could substantially improve federal enforcement of truck safety laws. The bill, introduced by Representatives Tim Worth (D-Col.) and Cardiss Collins (D-Ill.), has these key provisions:

1. Consolidation of safety functions at the Department of Transportation, moving truck safety enforcement away from the Federal Highway Administration to the National Highway Traffic Safety Administration, a proposal that both TDU and the IBT have endorsed.

2. Increased funding and inspectors, requiring the hiring of an additional 150 safety inspectors (there are now less than 100) and more funding for both federal and state safety programs.

3. Brakes—The bill revokes the DOT regulation that has allowed companies and drivers to disconnect front axle brakes.

Over the road drivers should write their congressional representative in support of this bill, which is entitled Hazardous Materials Transportation Safety Amendment of 1986 (H.R. 4612). While this legislation is far from what is needed, it could be a beneficial step forward.

NLRB Finds Ohio Grievance Decision Repugnant to Act.

In a case pursued by Teamster Local 20 in Toledo, Ohio, the NLRB has ordered Earl C. Smith to pay its employees the cost of living due them under the 1979-1982 freight contract. The board found that the company had refused to pay the 47c per hour COLA and then attempted to bargain with individual employees by asking them to vote in favor of a rider that would have cut wages by \$1.00 per hour.

The NLRB also found that the joint grievance committee issued a decision that was repugnant to the National Labor Relations Act by completely failing to address the issue at hand. In response to a grievance filed by Local 20 over the failure to pay the COLA, the joint committee ordered the company to comply with the 1982-1985 freight contract (under which the COLA was diverted), and as a result payment of the COLA increases to the employees was never made.

Update on Smith's Transfer Suit.

The lawsuit filed against Smith's Transfer and Local 29 of Staunton, Virginia, challenging the company's massive layoff of Staunton drivers in violation of a change of operations agreement, is continuing. Attorneys for the drivers have sent a proposed settlement of the claim against the union to all affected drivers. This settlement would drop the charge against the union for \$10,000 and would neither establish nor deny the union's responsibility for the layoff.

The suit against the employer which was dismissed by the District Court will be appealed to the Court of Appeals as soon as the settlement against the union is finalized. All road drivers who were laid off between the fall of 1980 and April of 1982 should have received a copy of the settlement proposal and must file any objections by June 27. A hearing is scheduled for July 8 in Harrisonburg, Virginia.

Another TDU Win on "Whistleblower" Law

DOL Orders Nu-Car to Reinstate Fired Driver

In response to a complaint filed under the Section 405 "Whistleblower" law that TDU fought hard to get passed in 1983, the Department of Labor has ruled in favor of fired Baltimore Local 557 carhauler Keith Stone, ordering NuCar Carriers to reinstate him to his job. Stone worked with TDU attorneys since his firing in October 1985 to overcome the unjust retaliation by NuCar for his efforts to uphold DOT regulations on truck safety.

Stone's story is one of unsafe equipment, employer retaliation, government negligence and a grievance committee sellout. It is also an example of a story we would see less of if the International Union took a stronger stand against these kinds of actions by Teamster employers.

Stone points out that he complained to the DOT only after repeated attempts to get NuCar to repair equipment. Normally charges filed with the DOT by a driver are kept confidential, but in 1984 the DOT accidentally enclosed a copy of a letter they had sent to Stone in some other materials they were sending to NuCar. Within a few months of that incident Stone was fired and the company tried to bring criminal charges against him for alleged theft of equipment.

The charges were dropped and Stone reinstated to his job by the Eastern Conference Committee, but NuCar kept at it and eventually made a later firing stick.

Actually, Stone went to the DOT only after making repeated attempts to get NuCar to repair equipment. Once, his truck broke down in sub-zero weather. Dispatch told him that help was on the way, but he waited all night in the truck until help finally came. In another incident, he was assigned to a

truck with a broken steering spring. He took the truck out only after being threatened with discharge if he didn't. The accident that ensued resulted in a broken arm. The final straw came when he was assigned to a truck with a broken rear deck. While he was unloading the deck fell on him crushing his leg, permanently damaging his knee.

As a result of these and other incidents, and after trying to get action through the grievance procedure without success, to get back pay for time lost due to company retaliation, Stone started to file complaints with the Bureau of Motor Carrier Safety (BMCS) and provided them with a thick pile of documentation on NuCar's system of "paper" repairs, and disciplinary action given to drivers who complained.

The BMCS sent a team of investigators to inspect the trucks on the

continued on page 10

Washington Office

This page is devoted to news from the Washington office of TDU—formerly PROD's national office. Litigation, designing new legislation and reforming safety regulations—the Professional Drivers Council of TDU is here to help you. Contact us today at:

PROD/TDU
2000 P Street NW
Room 612
Washington, DC
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(202) 785-3707



Washington Office Spearheads Effort

TDU Seeks Recall of Jifflox

Over 1000 petition signatures have been collected by TDU from road drivers, switchers and city drivers at Roadway, PIE Nationwide and Smith's Transfer, concerning the dangers of the Jifflox convertor dollies. These petitions have been added to a rulemaking proposal submitted by TDU to OSHA and the National Highway Transportation Safety Administration (NHTSA), and will also support our appeal to the IBT to take action on the Jifflox problem.

In addition to the growing number of suits filed by drivers injured while

hooking or unhooking the Jifflox, there has also been at least one suit filed on behalf of a driver who was killed in an accident. The suit maintains that the placement of the Jifflox fifth wheel was the cause of the accident as it removed weight from the front steering axle of the tractor and caused a loss of control.

A class action suit on behalf of groups of injured drivers is also being considered. Drivers with information about Jifflox accidents should contact TDU immediately. Referrals to attorneys working on Jifflox cases are

also available through the TDU Washington office.

Rulemaking Petitions

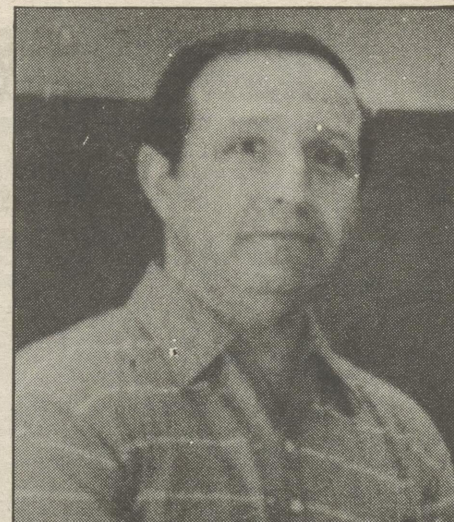
The TDU Washington office is also in the process of filing petitions with OSHA and NHTSA asking that the Jifflox be recalled entirely or that the agencies create a safety standard that would eliminate the current design problems. The petitions specifically address the design problems, including the collapsible leg stand, and lack of an effective counter balance, and point out the impossibility of using the Jifflox safely alone, as the manufacturer maintains is possible. Problems with the Jifflox were first brought to the attention of NHTSA last fall by TDU, and they are presently carrying out an investigation

What You Can Do to Help

To stop the rising number of injuries and ensure that the current use of the Jifflox is stopped, the TDU Washington office needs your help. Many drivers have already done a tremendous amount to circulate the petitions, gather information and get lawsuits off the ground, but more is needed. You can help by:

- * Asking drivers or yard workers who have been injured by the Jifflox to contact the TDU office.

- * File a complaint with your local OSHA office. This will help to encourage OSHA to take action. Contact TDU for more information on how to file a complaint.



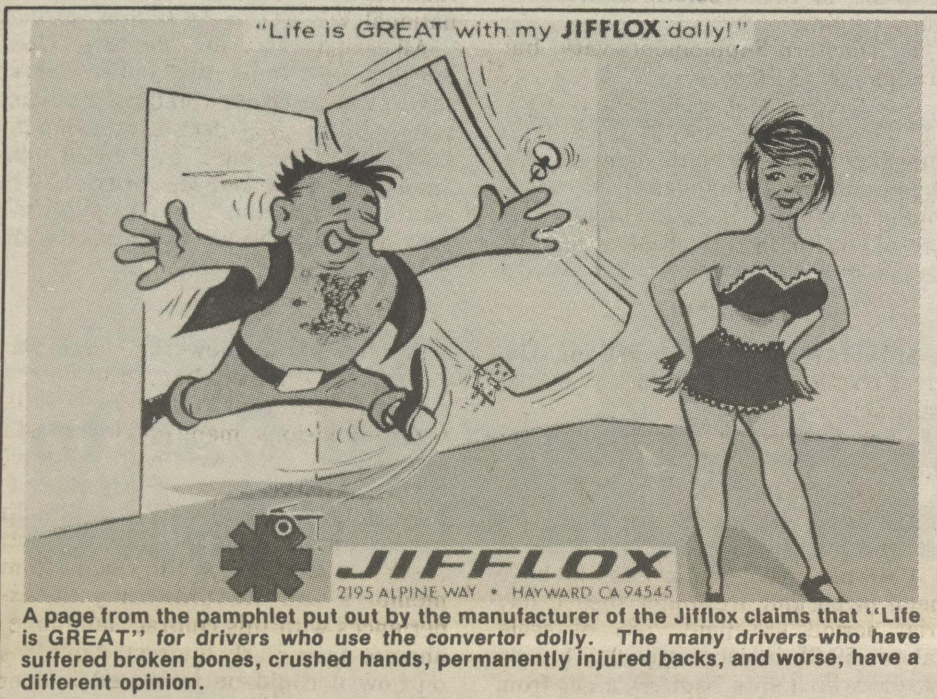
I'll Be in Vegas

John Cetinske
Roadway Express
Delegate to the IBT Convention

I am going to the IBT Convention as a delegate from Local 63. TDU has been there when we needed them on the freight contract last year, and now by mounting a national campaign on the Jifflox. Whenever possible they are there when the members need organization.

I am going to be in Las Vegas with TDU delegates and other concerned delegates and honest local officials to push for our right to vote for our international officers. We have come too far to stop now.

- * If you still haven't gotten the Jifflox petitions back in to us, please do. The more support, the better chance we have of getting action before more drivers are hurt, or worse.



Freight Lines

PIE Drivers: Watch for Broken Air Hoses.

Reports of several drivers losing their air brakes because of broken air hoses have come into the TDU office, and have also been brought to the attention of PIE management in Jacksonville.

The problem arises from the light cords being wrapped around the air hose. The safety latches on many of the light cord plugs are defective, causing the light cord with the air hose to fall under the trailer and in between the converter, cutting the air hose. Drivers, be sure that when you pre-trip your equipment you check on this situation and get it taken care of before you go out.

Financial Reports for 1985 Show Carriers Getting Bigger.

1985 was generally a worse year than 1984 for the majority of freight companies. Tonnage was down by 1.9%, net income dropped 11.6%, and the industry operating ratio increased from 95.5 to 95.98.

Once again in 1985, the pattern of the big getting bigger was a major theme. For example, CF's revenue increased 10%, net income was up by 6.5%, and the LTL tonnage rose 2.4%. Similar increases were noted for the other major carriers.

Roadway Starts Three-Day Orientation for New Employees.

Roadway Express, in its never ending drive to win the hearts and minds of its employees, has initiated orientation sessions for new hires. The company provided food and lodging in "beautiful downtown Findlay," along with eight hours pay (at the two-tier rate) for each day.

Topics discussed included Roadway History, The Roadway System, Productivity and Quality, and Labor Relations. Apparently there's no truth to the rumor that supervisors did time studies of the new-hires' note-taking speed and included courses on how to cringe, grovel and take abuse.

Southern California CF Drivers Act on Bob-Tailing Dangers.

Road drivers at CF's Mira Loma terminal in Southern California have been getting hot under the collar about that company's practice of bob-tailing with converter dollies around the LA basin. Over 340 drivers so far have signed a petition to the California Highway Patrol asking for a moratorium on the practice until a complete investigation can be made.

The drivers' biggest worry is that the dollies, with their stiff suspension, bounce all over the road whenever the brakes are applied. Especially on wet pavement, this has caused real problems. "Just watch one of these things try to stop sometime," says CF driver Bob Kirkpatrick of Mira Loma. "The thing will bounce all over the place and you are breaking traction all the time because of the constant pounding."

Other problems that the petition speaks to are the very lightweight pintle hooks, designed for hostling, which the converter dollies are hooked to, and the constant pounding on kidneys and backs that drivers bob-tailing with a converter are subjected to.

According to Kirkpatrick, "It is a Catch-22 situation. We get suspended if we refuse to drive them, and we are in danger if we do drive them."

Bob-tailing with converters seems to be a problem mainly in large metropolitan areas with many shuttle runs. If this is a problem in your area, we would like to hear from you.

New England Freight Members Cite Numerous Problems.

A recent TDU organizing trip to the New England area brought to light a number of issues plaguing New England Freight members. For road drivers the issue of casuals being paid a lower rate than provided for in the contract exists, as in other areas of the country. New hires losing out by being assigned incorrect seniority dates was also brought up by several members.

A Connecticut New Penn member mentioned that the correct procedure on payment for holidays is not always being followed for road drivers, with the company getting away with not paying for holidays or Sundays.

In all areas members expressed anger over the fact that contract books have yet to be printed and distributed.

The TDU office is presently investigating these issues. Any New England members with information on the use of casuals or application of holiday pay, should contact the TDU office.

The Steward's Corner-Please Post

How NMFA Language on Casuals Works

The 1985-1988 National Master Freight Agreement has new and complicated language dealing with casuals, probationary employees and hiring that has both strength and pitfalls. It would be impossible to cover all the details of such a supplement, therefore this article will be an overview of the contract language and what stewards, active members and casuals need to know.

For the first time, the master part of the contract has language that defines and sets out rules dealing with casuals. This is contained in Article 3, Section 2. Unfortunately, in most areas members do not even have their contract books yet. (The Western Conference is the exception.) For a copy of the new language, contact TDU and we will get it to you.

Article 3, Section 2 provides that "replacement casuals" (casuals who replace a regular employee, on a regular shift, who is off due to "illness, vacation or other absence") may be used without limitation. The bad news about this language is that in terminals with a large board, there is almost always someone off, and the casuals (even any specific casual) can be used indefinitely without being hired.

Any casuals used over-and-above the replacements are called "supplemental casuals." It is in regards to the supplemental casuals that the contract provides for hiring, as set out by rules in the supplemental contracts. But vigilance is required to keep track of the employers' use of supplemental casuals. Here are some suggestions that should help in the effort to gain more fulltime jobs and union members.

Employers' Records and Union Rights

The contract states that the employer must keep daily, detailed records on the use of casuals, including the following information:

- Casual's name, address and social security number.
- The date and shift worked.

- The name of the employee replaced (if a replacement casual).
- Hours worked.

The employer must make this available **each day** to the union (the agent and/or steward), and must also compile this list on a monthly basis, and then submit it to the union by the tenth day of the following month for review. It is up to the members, stewards and the local union to enforce this language!

If the company fails to comply with this rule, the union's options are to file a grievance and/or unfair labor practice with the NLRB against the company for "refusal to bargain," since providing this information is considered essential to contract enforcement.

How to Get More Fulltime Jobs

The language requiring an employer to put more workers on the seniority list begins in the master contract (Article 3, Section 2) and continues in the supplements, which for the most part are similar.

• **Central States Supplement** (Local Cartage): If the employer uses supplemental casuals to work a total of 30 shifts in a 90 day period, he must then hire one person. The 30 shifts can be worked by one casual, or many added together. Unfortunately, the employer is not required to hire the casual with the most time worked. Instead, anyone can be chosen (even, for example, the terminal manager's nephew, who may have never worked a day). To counteract this possibility, the union should enforce contract language which states that the employer cannot discriminate against casuals in such hiring.

• **Western Conference Supplement** (Local Cartage). Here the rule is 30 shifts (total) in two calendar months. This supplement also states that if an individual casual works 12 supplemental shifts in one calendar month, he or she is then put on the list automatically.

In the Western Conference (line

haul) supplement, the rule is slightly different. Any 30 supplemental tours of duty (total by all casuals) in a 90 day period means one person hired, and also, any 40 supplemental tours by one individual in a 120 day period means that person is hired.

• **Southern Conference Supplement**. In this case, the rule is also 30 shifts (total) in two calendar months, but does not include the better 12-days-in-a-month rule for individuals that is included in the Western Conference Supplement.

The Eastern Supplements vary, but are similar to these.

It is obvious that with these complicated rules, the local union and stewards must be vigilant to prevent the employers from flooding the roads and docks with casuals, thereby depriving our members of jobs, and our union of strength.

Rates of Pay

Stewards and all members should be clear on the rates of pay as set by the contract.

• **Local Cartage Casuals**, as of 4/1/86, are paid \$11.50 per hour, which leaves them about \$2.75 below union scale. Of course, the employer saves a bundle on benefits as well.

• **Probationary Employees** who have been hired and are under the 30 day trial period are paid 70% of scale (about \$9.95 in most areas). Thus, a casual who is hired suffers a cut from \$11.50 down to about \$10.00, but will

gain benefits and move up to 80% in one year (about \$11.00). If a probationary employee is let go during the 30 day trial period, he must then be paid full union scale retroactively.

• **Road Casuals**. There is no road casual rate of pay in any of the supplements. Employers in the south and east are paying a bogus rate of about 28c per mile, and as of this date are still getting away with it due to the collusion and/or negligence of high ranking union officials, such as International Vice President Don West.

All casuals affected by this are owed for all trips pulled. (At 7c per mile, a casual who has driven 50,000 miles has been ripped off \$3,500, for example. Some have been ripped off twice this amount.) Locals and stewards should continue to demand full back pay. TDU is willing to help on this issue with grievances or legal action.

Conclusion

At best, the new language on casuals is a mixed bag, but unless stewards and locals make use of the better provisions, many employers will continue to get away with contract violations and abuse of casual employees. We hope this article will help in the enforcement of the contract. Also, we would like to hear from members and stewards on your experiences with this contract language, and are particularly interested in ideas on how it could be improved and/or enforced most effectively.

WHEN?

When will you take the important step of joining Teamsters for a Democratic Union? TDU is the national rank and file Teamster organization that:

- Has consistently sought democratic change in our union, like the right to vote for our top officers.
- Set precedent after precedent through effective legal action aimed at backing up union members' rights. (For the most recent legal win, see page 3.)
- Is in the forefront of stopping union-busting contract concessions like two-tier wages.

Isn't it time you said "thanks" to the organization that does all this and more? You can, by filling out this form and sending in your check today.

Membership Application

Name _____ Local Union # _____

Address _____

City _____ State/Prov. _____ Zip _____

Phone _____ Company _____

City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐

Construction ☐ Production ☐ Other _____

☐ \$25 membership fee—for one year's membership & subscription to CONVOY DISPATCH.

☐ \$60 three year membership fee. (\$10 of this shall be rebated to the local chapter.)

☐ \$15 annual dues for spouses, retirees, and Teamsters who gross less than \$12,000 a year.



RIGHT TO VOTE

Bulletin Board

Response to the National Right to Vote Petition drive has been strong since the drive was kicked off last November. Wherever it has been circulated most if not all members have signed enthusiastically, with the result that we will be taking over 100,000 signatures to the IBT Convention on May 19.

As a final push on the drive the TDU Steering Committee voted to send a team of volunteer organizers on the road to work with local chapters on the petition drive and get media attention for the campaign. They logged over 2,000 miles and pulled in an additional 1,000 signatures on the petition. Here is their report:

The five-day trip made two things clear — Teamsters in all areas and all crafts are glad to sign the petition when they get the chance, and reaching those Teamsters in thousands of workplaces across the country is a tough job.

The day we arrived in Philadelphia, the Labor Department announced it would order a rerun of the election in milk and bread drivers Local 463. The next day the *Washington Post* carried a story that the investigation was being reopened into Jackie Presser's ghost employees and the coverup by some government agents. Later in Baltimore we were joined by TDU members Hermann Myers and Cliff McDonald, who had just come from ballot counting where they had been elected Business Agents in Local 557.

We visited several workplaces which had not been regularly exposed to TDU or to the petition. At Fayette Tube, located 40 miles west of Toledo, we found factory workers whose wages start at \$4.00/hour friendly to our cause. We collected signatures at one of the many gates and left behind petitions for those we had missed.

At the giant Acme food warehouse in Philadelphia, security guards kept us off the parking lot, but we distributed *Convoy Dispatch* and petitions. According to the *New York Times*, which interviewed several Acme workers, "Quite a few workers voiced, albeit guardedly, some support for their campaign."

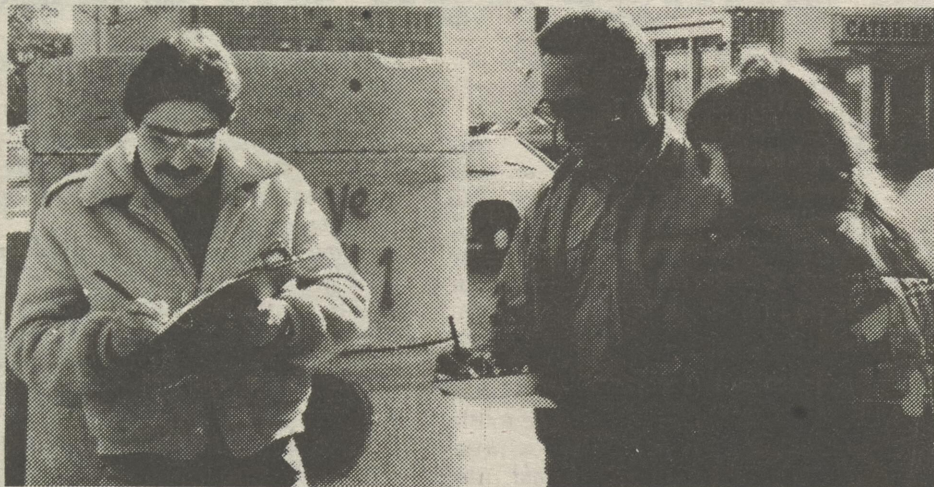
When we visited shops where members had been circulating petitions, we found many people who had just not gotten around to it. At the Preston Trucking barn in Baltimore, members stopped on the road outside after work to celebrate the BA election and to sign petitions.

TDU Backs Theodus' Candidacy

continued from page 1

principal officer. To win that post he challenged and beat a Presser supporter who now works in trucking management. Local 407 has a history of independence. In 1983 when the two-tier "relief rider" to the NMFA was proposed, a very large meeting voted overwhelmingly to call for Presser's resignation.

On April 26 the TDU International Steering Committee voted at its bi-



Members eagerly signed the Right to Vote Petition when the caravan stopped in New York City. thanks to all TDU members and others that helped make the caravan successful!

In the parking lot of the UPS center in Alexandria, Virginia, TDU members put on a real welcome with a "tailgate" party with coffee and donuts. We talked to part-timers who wanted to know how they could end the two-tier clause put in the contract. We pointed out that having International officers who are accountable is the single biggest thing we can do to improve our contracts and grievance procedure.

At the milk distribution center in Philadelphia we talked with drivers by ones and twos as they returned from their routes. They gladly signed for the right to vote on our International officers.

In the Landover, Maryland Yellow terminal, a supervisor unwittingly revealed the state of things there. Mistaking us for official union BAs, he asked, "What's the matter, have you been sick. We haven't seen you for three months."

In Philadelphia, we talked to a meat driver who gladly signed. He was driving a truck from McDonnell Douglas Truck Leasing. We said we thought that company made airplanes. He answered, "So does my boss. He thinks I can go faster in this truck."

In the truck stops, most drivers were non-union. In Baltimore two drivers, one in freight and another in beer distribution, approached us hoping we were union organizers. One said, "I'm a Teamster, but my company's not." There are thousands of these drivers — who once drove union, have a few years in the pension fund and want the companies they're working for now to be organized. Finding them and organizing them won't be easy. But it's the way to rebuild our union and

monthly meeting to endorse Sam Theodus for Teamster President, based on his record, especially his Right to Vote platform. TDU leaders noted it is a very positive development to have more backing for this vital issue. "We are very happy to have an independent candidate come forward, especially one we can enthusiastically support," reported TDU co-chair Doug Allan, a convention delegate from Los Angeles Local 208.

regain our bargaining strength.

Hopefully the IBT Convention will be another step toward the day when our International Union leadership is ready, willing and able to take on tasks like this that will strengthen our union. Until then, it is encouraging to know that there are so many stand-up Teamsters that are willing to pitch in on projects like the Right to Vote petition. Thanks to all members who have helped out!

Indictment of Presser Still Possible

An internal Justice Department investigation into why the indictment of Jackie Presser for his ghost-employee scam was blocked last year has now concluded that officials who made that decision were misled by FBI agents. Presser could now be indicted as early as late May, according to a report published April 24 in the *Los Angeles Times*.

Speculation and Turmoil

The new report has led to speculation and turmoil inside the top Teamster hierarchy concerning Presser's future. Presser, along with Harold Friedman, signed hundreds and hundreds of checks to relatives and criminal figures, two of whom were convicted of being ghost employees. But Presser got off the indictment last July when his attorney (and IBT General Counsel), John Climaco, argued that the FBI had tolerated the payroll padding.

It now appears the FBI agents involved could face charges as well for filing false statements. Also, the new report claims that Presser was paid \$2,500 a month by the FBI for being an informant. Presser has repeatedly denied being an FBI informant.

Nine members of Cleveland Local 507 (the local in which the "ghosts" were employed) have taken their own action to demand repayment of all such funds from Presser, Friedman and the FBI. They are represented by TDU attorney Paul Levy, and that legal action will continue independently of any indictments.

Coun

Reprinted below are some amendments which have been properly submitted to the

Take a look at them, and ask yourself, 'right to vote for International Officers? officers' salaries over \$100,000?' And about it? Just complain in the coffee shop? \$25 in working to improve my union?'

There are gutsy delegates going to Las members willing to do something positive f

The IBT Convention in May is only one ficers are joining in along the way. TDU is rank and file Teamster. We invite you to

These amendments and resolutions have vention:

- ✓ **Membership Vote on General President** amendment (by Local 407) also includes ele
- ✓ **Membershi Election of All IBT Conventi** was done prior to 1966.
- ✓ **Limit Officers' Salaries to \$100,000** except and protecting the members.
- ✓ **Increase Out of Work [strike] Benefits** t union-busting employers.
- ✓ **Repeal the Change Made at the 1981 Conve** changing its own bylaws to provide for electe own decision.
- ✓ **Majority Rule on All Contracts.** End the t
- ✓ **Right to Vote on Contract Supplements** an
- ✓ **Eliminate the "Lame Duck" period** after a officers do not vote themselves excess compe
- ✓ **Right of Seasonal Workers to Run for Office**
- ✓ **Autonomy for the Canadian Conference** o Grant the right of Canadian members to choo trol their own destiny.

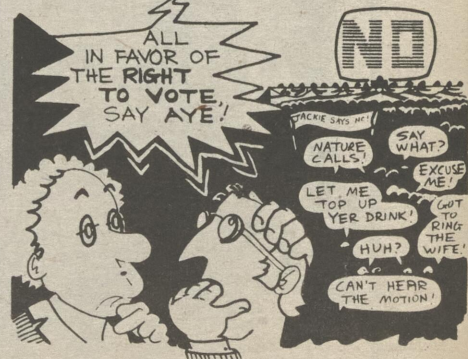
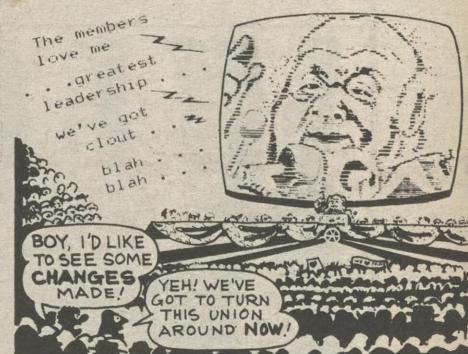
RESOLUTION

- ✓ **Two Tier Agreements.** Adopt a policy aga union. Work to upgrade existing ones (such a local unions faced with employer demands fo
- ✓ **Organizing the Unorganized.** Put major resou
- ✓ **Owner-Operator Division.** A policy resoluti aims to organize more owner-operators, servic bring about more unity between company dri

There are reports of other resolutions and along these lines, and we hope that will be th

In addition, we can expect amendments from ther strip power from the members. These co elected BAs, increasing the per capita tax (with and strike fund), and further restrictions on loc rights we now enjoy.

Will Your Local Officers At the Conve



Intdown for Democracy

endments to the Teamster Constitution and proposed policy Resolutions for our union, itted to the Constitution Committee for consideration at the May 19-23 IBT Convention. yourself, "Do I agree with these positive proposals for change? Do I agree we need the Officers? That more funds should go to organizing and strike benefits and less to raising " And if the answer is yes, the next thing to ask yourself is "What am I willing to do offee shop? Or am I willing to use the TDU membership application on page 5 and invest union?"

ing to Las Vegas to support these kind of changes. There are a growing number of g positive for their union. There is a movement that cares about the future of our union. is only one step in a long march. More Teamsters are marching all the time. Some of- ay. TDU is committed to stay in all the way till we have a union that is of, by and for the ite you to join us.

tions have been submitted by officers or local unions for consideration at the IBT Con-

President and all International Officers. International VPs to be elected by region. Another includes election of Joint Council and Area Conference officers.

IBT Convention Delegates approximately 90 days prior to the Convention, by each local, as

0,000 except the General President (\$125,000). Use dues money for organizing, education

Benefits to \$90 and \$110 after the fifth week, to help back up members faced with

1981 Convention that prevents a local union from de for elected BAs. Each Local should make their

s. End the two-thirds rule.

plements and Riders by members affected.

eriod after a local election to insure that outgoing xcess compensation on the way out.

an for Office, by modification of the 24-month rule.

onference of Teamsters within the IBT structure.

bers to choose their conference director and con-

RESOLUTIONS

a policy against two-tier contracts that divide our ones (such as at United Parcel). Have the IBT aid demands for such union-busting clauses.

major resources into coordinating organizing drives.

olicy resolution urging the creation of this division

rators; service and aid those now in the union, and

company drivers and owner-operators.

olutions and amendments that will come forward

at will be the case.

ndments from the General Executive Board to fur-

rs. These could possibly include elimination of all

ita tax (without restricting increases to organizing

ctions on local elections. We need to safeguard the

Officers Act Like This Convention?



100 Officers Sign Letter of Support for Right To Vote

Right To Vote Movement Spreads

The Right to Vote Movement initiated by TDU has received tremendous support. When TDU and other delegates speak in favor of the right to vote amendment on the floor of the convention this month they will have the backing of tens of thousands of rank and file Teamsters.

They will also have the backing of at least 100 Teamster officers and business agents, most of them delegates to the convention, that have signed a letter in support of amending the IBT Constitution to allow for the direct election of International officers by the membership.

This independent action by a wide range of local officers marks the first time in memory that Teamster officials have come out so directly for such a basic change in our union structure. The officers' letter states that providing the right to vote would "enable us to organize more new members into the Teamsters Union and strengthen

the bond between individual Teamster members and their union."

In another major development, the head of "Cleveland Local 407, Sam Theodus, has announced his candidacy for general president, based on a right to vote platform. (See article page 1).

What began as a rank and file initiative has now become a larger movement, and as we enter the convention the growth of the TDU and the rank and file movement is clear — from one delegate ten years ago to many delegates at the 1986 Convention.

The many Teamster members who circulated petitions and raised motions at their local meetings on the right to vote should be proud of the role they have played in starting this ball rolling. Over the years we have heard so many times from local officials that their "hands are tied."

The officers who have signed this letter are showing that they are not

A Challenge

By TDU to the IBT Executive Board

Whereas you have charged at various times that TDU resorts to legal action against the International instead of resolving matters internally, we therefore propose that:

If you will place the issue of amending the Constitution to provide for the right to vote for International Officers before the entire membership, we will drop any and all legal action on the issue. In this way the issue could be resolved out of court and by the members in one simple vote on whether the members favor amending the Constitution to provide for a one-member-one-vote system for choosing the twenty-one International Officers, or prefer the present system.

It is up to you. We await your reply.

going to allow their hands to be tied, and that the right to vote is a chance to untie them once and for all. The quiet encouragement we have heard from so many other officers is nice, but only by standing up will real change come. Hopefully more independent-minded officers and delegates will join these 100 Teamster leaders in supporting the right to vote at the convention.

We look forward to the Convention and will work with everyone who backs the right to vote. But whatever the outcome in Vegas, we have shown that support is growing every day, and that once the ball is rolling it is not going to stop. Preparation is underway on legal action, congressional hearings are likely to happen after the convention, and TDU National Office and TDU chapters will be focussing on spreading the movement and setting up chapters in new areas over the summer.

We have a lot to be proud of. Now let's keep it growing.

New TDU Booklet is In-Depth Look at Our Union

Facing the Future: The Teamsters Union at the Crossroads takes a close look at where our union has been, what roadblocks it faces and presents ideas on what could be done to get it back on track. It will be available to all Convention delegates and is being shipped to all current TDU members but others can order copies at the minimal cost listed here.

Price: \$1.00 each; \$2.50 for 5; \$4 for 10; and 30¢ each for 20 copies or more.

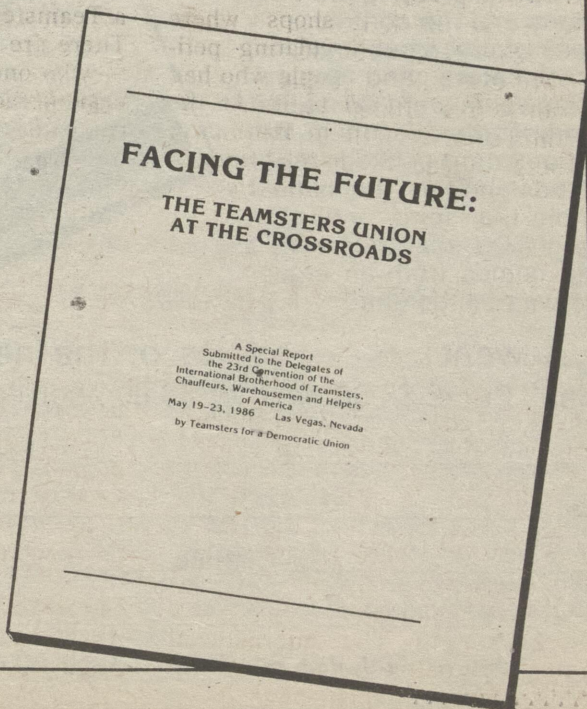
☐ I would like _____ copies of *Facing the Future*. Enclosed is \$_____.

Name _____

Address _____

City _____ State _____ Zip _____

Return to: TDU, P.O. Box 10128, Detroit, MI 48210.



Western Conference Matlack

Tank Drivers Up in Arms Over Contract

Drivers for Matlack tank lines are up in arms about the pressure tactics used to push through their latest contract, which covers employees in Washington, Oregon, and California. There has been a long history of concessions being forced down these drivers' throats, and this year appears to be no exception.

The 1982 contract was only imposed after the union forced three votes on the same offer, the final vote coming only days before Christmas, and even then they had to impose the 2/3 rule, as a majority voted against that agreement. That contract included a permanent two-tier, a \$1.18/hour wage cut for the established drivers, and no raises. Last January, the company came out with a "first and final offer," full of concessions, which was voted down by an overwhelming margin (see CD #59).

The latest offer retains the two-tier, dumps Western Conference Health and Welfare Fund coverage in favor of the problem-ridden Southern States Health and Welfare, and has no raises in the second and third years for California drivers. These drivers were making \$12.20/hour in 1982, prior to their last contract, and as it stands now, they will still be 85c below that rate six years later when the new contract expires in 1988! Even the Washington and Oregon drivers, who have 15c and 20c raises in the second and third years of the contract, will end up below their 1982 rate.

The mail-in contract vote was done in late March, but problems began as early as March 1, when the Western

Conference Health and Welfare Fund cancelled members' medical insurance policies with Kaiser and other providers. As Richmond, California steward Steve Cole put it, "It seems pretty strange that a month before our ballots were counted, they were already implementing the change in health and welfare coverage. Why did they bother to have us vote?"

When the votes were counted on March 31, the California stewards requested that California ballots be counted separately from those of Washington and Oregon drivers, who had a completely different wage package. That was not allowed, and when the votes were tallied, the contract had been rejected by 63%, a separate strike vote had passed by a narrower 53%.

At that point, according to those present, George Rohrer, of the Western Conference, told the union representatives that it was up to him to determine, after the fact, whether this had been a final offer — which would force them to accept the contract by the 2/3 rule; or whether it had not, which would bring them back to the negotiating table.

Rohrer then announced that he was going to talk to Matlack representatives, and if they were willing to accept four conditions, he would impose the contract. The conditions were: reopeners on wages in '86 and '87; pay by the mile or the hour, whichever was greater; full retroactive pay to date of contract expiration; and continuous movement. He came back a few

Washington UPSers Back Petition Drive



This coffee and donuts, "tailgate" event was organized by the Washington, D.C. TDU Chapter to help get signatures on the Right to Vote Petition.

minutes later and announced that the company had accepted only the first and last of these conditions, and that the workers would have to accept the contract. Business Agents Joe Williams, of Local 315, and Bill Davis, of 692, who represent most of the Matlack drivers in California, protested bitterly, but to no effect.

There was a verbal agreement by Matlack when concessions were given three years ago that they would come back up to the old wage rate with this contract. This was ignored. Rohrer waited until after he had seen the

ballots to rule that this had been a final offer. Not only was this illegal, but he then proceeded to negotiate changes in the "final offer" that he was imposing.

California stewards from Matlack are currently working on challenging the settlement. They have filed charges with the NLRB and are investigating the possibility of a lawsuit in federal court. As Cole told CD, "We may not win, we've been beaten before, but there's just no way that we can take this lying down."

Super Valu Locals Affirm Solidarity

On April 23 a meeting took place with representatives from locals with Super Valu contracts present to discuss the company's intransigent position in the Des Moines Local 147 and Xenia, Ohio Local 957 contract talks.

This unusual meeting was apparently sparked by Super Valu's unilateral imposition of their final offers in both Xenia and Des Moines. In the past the normal procedure has been that the old contract is worked under until a new agreement between union leadership and the company is worked out.

Nearly unanimous votes occurred in Des Moines and Xenia to reject the company's contract offer and strike if necessary.

At the meeting Bud Smith reportedly stated that the "only way to fight is to fight as a group" and that "We should support them (Local 147 and 957 members) or else bite the bullet."

How much of this was show, and how much will actually be followed through on is still not clear, but a motion was passed unanimously that a resolution be presented at the IBT Convention calling on all locals with Super Valu contracts to back each other up.

Plans were also made (and later followed through on) to have representatives of the Central Conference attend negotiations between Local 147 and Super Valu on April 27.

The key issue for the two locals at this point is whether or not other locals will back them up by honoring

extended picket lines. Strike sanction has been approved by Smith.

Some grocery representatives have expressed surprise over the Central Conference's willingness to make some moves to back up these locals. Last year extended picket line sanction was denied to northern California locals who were fighting a concession contract at Safeway, Lucky's and other major California chains.

TDUers Win BA Positions

In a special election, TDU members Cliff McDonald and Hermann Myers won positions as business agents in Baltimore Local 557. The election was held because of the death of a former BA and the need for an extra agent in the local. Local 557 bylaws provide for election of BAs in the case of a vacant position—a positive provision.

Myers and McDonald easily distanced the nearest runner-ups in the election and finished first and second among a field of nine candidates.

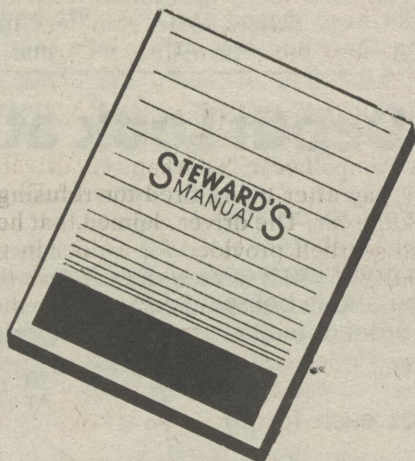
"We felt we had to take the high road in this election," said McDonald, "so we concentrated on the issues that were important to the membership. Things like improving our health and welfare and pension benefits along with the need for better representation from the hall."

Get Yours Today

Steward's Manual

First published in 1983, the *Stewards Manual* has now been revised updated and reprinted to make it even more useful to stewards and all Teamsters concerned with protecting working conditions and the contract.

Dozens of union publications, labor educators and experienced stewards were consulted in the preparation of this guide. As well as being packed full of information and tips, the manual draws on the spirit and philosophy of TDU, that the union's strength comes from an organized, active membership.



YES, I want _____ copies of the new Stewards Manual. Price: \$4.00 each or \$3.00 each for 5 or more.

Name _____ Local # _____

Address _____

City _____ State _____ Zip _____

Phone () _____

Send to: TDU, P.O. Box 10128, Detroit, MI 48210

UPS Profits Soar to Over \$567 Million

"I'd rather see UPS pushing the men too hard than see UPS in Bankruptcy Court."

—Teamster spokesperson,
Washington, D.C.

According to the Securities and Exchange Commission (SEC) Report 10-K which UPS must submit each year, there is little danger of UPS going bankrupt. In fact, after taxes profits for the year ending December 31, 1985 rose over \$91 million to a whopping \$567 million, and overall revenue increased nearly one billion to an incredible \$7,686,719,000.

Based on profits, this would place UPS as #43 in *Business Week's* "Top 1,000" U.S. companies, well above General Dynamics, Boeing, Bristol-Myers and others. That's right—UPS ranks 43rd in the nation and our International Union is so worried about bankruptcy that they tell the national media that they encourage pushing union members beyond their limits of physical and mental endurance.

The SEC report contains other interesting information on UPS' performance during 1985, some of which is reprinted here. For the complete report, send \$4.00 to the UPS Committee, c/o TDU, Box 10128, Detroit, MI 48210.

Expansion

Expansion occurred in a number of areas during 1985. Service was resumed in Alaska, and Puerto Rico and Texas were added to 2nd Day Air service. Texas UPS also finally received intrastate rights. In addition, air service was inaugurated between the U.S. and France, Luxembourg,

Belgium, the United Kingdom and West Germany.

New Facilities

A number of new buildings were built in 1985, including hubs in Lenexa, Kansas; Doraville, Georgia; Lexington, Kentucky; San Jose, California and Toledo, Ohio. More than \$20 million was spent on expanding the National Air Hub in Louisville.

The company also bought 24 cargo jets at the cost of some \$400 million, and entered into an agreement with Boeing for another 20 that will run about \$750 million. The company sold six Boeing 747s to the UPS Thrift Plan and UPS Retirement Plan for roughly \$150 million, and then leased the planes back. This deal awaits the approval of the Department of Labor.

A startling 11,300 people were hired in 1985, bringing the total up to 152,400 (including salaried employees.)

According to the SEC report, UPS invested over \$1 billion in new equipment, vehicles, land, buildings and other improvements, a \$200 million increase over 1984 expenditures. Thus, the dramatic increase in profits for 1985 occurred in the context of dramatically increased capital expenditures as well.

Foreign Operations

UPS has operated subsidiaries in West Germany and Canada for some time, and 1985 saw growth in both operations. Service in West Germany now includes 61 centers and hubs, with eight new ones opening in 1985. Some 185 vehicles were added to the German fleet and approximately

1985 UPS Finances

	1985	1984	1983
Revenue	\$7,686,719	\$6,832,845	\$6,015,210
Operating expenses	(6,702,121)	(6,104,250)	(5,227,182)
Federal income taxes	(465,190)	(342,237)	(384,903)
Net Profits	\$567,627	\$476,506	\$489,802
Per share	\$3.36	\$2.82	\$2.90
Dividends paid per share	\$1.40	\$1.35	\$1.40

(000's omitted except for per share amounts)

138,000 packages are delivered each day. Volume for 1985 increased 12% over 1984.

UPS Canada received permanent operating authority in 1985 (the Canadian Government subjected the license to certain restrictions and review). Volume rose 19.5% over 1984, and further extensions of Canadian service are now being considered.

Conclusion

This is a very brief summary of the full financial report. Those interested should order the full copy from TDU. A rundown of the financial statistics is in the box at right.

Next year we will be approaching a new contract. The quote at the beginning of this article shows again the prevailing attitude of our International Union toward UPS members

and their contract. In 1984, Presser tried to avoid addressing the real issues UPS Teamsters face by rushing through a quickie contract with a bonus sweetener.

Whether the International Union's attitude or working Teamsters' concerns prevail in the 1987 contract talks depends greatly on us making our voice heard over the coming year, and setting firm plans for the contract. Despite its tremendous financial position, UPS continues to talk of the threat of competition, and they will certainly make their voice heard over the coming year and a half.

The UPS Committee of TDU is already discussing plans and has set a national meeting to be held at the TDU Convention in Atlanta, Georgia on October 26-26. Plan to be there or send a representative.

UPS and Downs

Court Cites UPS for Forcing Driver to Break the Law.

In 1983 UPS driver Dominic Garcia was fired by UPS for "insubordination" when he refused to honk his horn at each stop. Garcia, who is now Secretary-Treasurer of Stockton, California Local 439, pointed out to UPS at the time that honking the horn was prohibited by state law unless for reasons of safety. But, as they do in many areas of the country over a number of similar activities, UPS told him to do it and they would pay the fines.

His firing was reduced to a ten day suspension by the grievance procedure, but Garcia pursued it to the NLRB, which refused to take up the case, deferring to the grievance decision. The ruling by the 9th Circuit of the U.S. Court of Appeals is a needed blow against this policy by the NLRB, as it sends the case back to the NLRB for re-consideration. (See article on page 3, for more information on the NLRB and deferral.)

In its decision the court said that it was not pleased with what it considered UPS' "accommodation which serves only to breed or reinforce a cynical view of the operation of law in this society — that those with enough sophistication, money and influence are exempt from its requirements."

UPS Fires Driver for Bathroom Breaks.

Long-time New York TDU member Charlie Pohl has a habit which UPS claims interferes with his production. On occasion, sometimes even more than once a day, Charlie feels compelled to visit the men's room. One day Charlie pulled into a diner to answer nature's call. This "unauthorized stop" was clocked at 17 minutes from highway to highway by a UPS spy who was following him. That day Charlie was fired for the serious offense of relieving himself on company time.

Charlie immediately filed a grievance protesting this outrageous infringement of his rights. His termination was then reduced to a one week suspension, which will be arbitrated by Local 804. Charlie is now back on the job and continues to indulge in his "bad" habit. His termination is an obvious

attempt to intimidate UPS workers, but Charlie is not going to stand by and watch his life go down the toilet.

Are UPS' Brown Uniforms a Hazard?

According to Wisconsin UPSers a package driver was killed recently when he stepped from his truck and was hit by a passing snow plow. If any drivers know about this incident or others like it that may be linked to the poor visibility of the brown UPS uniforms, please contact the TDU office.

Florida Driver Reinstated After Firing Over Seatbelt Snafu.

A Tampa Local 79 package car driver has been reinstated to his job with full back pay after being fired for refusing to ride with a supervisor driving his package car. The driver claimed that he would have been endangered as there is no seatbelt provided for a rider in package cars. He was out for nearly a month, but UPS settled even before the panel hearing.

Other Local 79 members rallied to the drivers support by making up posters with a cartoon taken from the *Convoy Dispatch* about safety, and by producing t-shirts that they were only able to wear one day before UPS settled.

California Committee Distributing Survey on Supervisors.

Oakland, California and other northern California UPSers that make up the rank and file committee for Safe and reasonable Working conditions have drawn up a survey that asks UPS Teamsters to evaluate how their supervisor treats them. According to the survey description, "responses will help the Committee members identify and give positive recognition to the best supervisors. Also the least best supervisors will be determined. This way we may work with the least best in a confidential, positive and informal-formal way to improve their people handling methods."

For a copy of the survey contact the UPS Committee at the Detroit TDU office, or write to the northern California UPS newsletter, the *Brown Dog News*, Box 2334, Oakland, California 94614. While you're at it you might want to request a subscription to the *Brown Dog*, which is one of the best UPS rank and file newsletters in the country.

TDU Meets

Atlanta

Saturday, May 3
7:30 p.m.
College Park Fire Department
Sullivan Road
College Park, GA

Charlotte, North Carolina TDU

Saturday, June 7
1 p.m.
For information on location, call:
704-865-9218

Harrisburg

Sunday, May 4
1:00 p.m.
Holiday Inn
Route 11
Mechanicsburg, PA

Hudson Valley Chapter

Saturday, May 10
2:00 p.m.
Maybrook Fire Department
Maybrook, NY

Local 138 Rank and File

Sunday, May 18
11:00 a.m.
Place to be announced
Call: (718) 834-0631

Sunday, June 22
11:00 a.m.
VFW Post 123
59-25 Catalpa Avenue
Ridgewood, Queens, NY

Long Island Chapter

Sunday, May 4
12:00 p.m.
Conklin House
Farmingdale, NY

Saturday, June 21
12:00 p.m.
Conklin House
Farmingdale, NY

New Jersey

Sunday, June 1
11:00 a.m.
Rutgers Labor/Management
Center
North Brunswick, NJ

Orlando

Sunday, May 4
12:00 p.m.
Pine Shadows Condo Clubhouse
Orlando, FL

Sacramento

Thursday, May 15
7 p.m.
5822 8th Ave.
Sacramento

South Bend

Sunday, May 18
1:00 p.m.
Carriage House Apartments
Community Building
Mishawaka, Indiana

Washington, D.C.

Saturday, May 17
2:00 p.m.
Milo Heights Recreation Center
2800 St. Clair Drive
Milo Heights,
Prince Georges County, MD

100th Anniversary of Massive Demonstrations

Spirit of Fight for 8-Hour Day Lives On!

This May marks the hundredth anniversary of two important events in our history as American workers—the May 1 general strike for the eight hour day and the events surrounding the Haymarket Square demonstration in Chicago on May 1, 1886.

In the late 1800s the eight hour movement captured the imagination of workers throughout the great cities and industrial centers of this country, at a time when most American workers were putting in ten, twelve and even fourteen hours a day.

With the full support of the rank and file members, the Federation of Organized Trades and Labor Unions (two years later to become the AFL) called for massive demonstrations and a general strike on May 1, 1886.

Thus began the great crusade. People wore "eight hour shoes" and smoked "eight hour tobacco," manufactured in shops that had the eight hour day. They sang popular songs about the eight hour day, and 400,000 workers put down their tools on May 1, 1886 and marched together in a show of strength and solidarity demanding the shorter day. Altogether it was estimated that 200,000 workers won the eight hour day on May 1 or in the days immediately following. Another 200,000 workers had their days reduced. Many lost their hours reduction as the employers fiercely fought the shorter work week, just as they do now. However, Samuel Gompers, in a

speech three years later, declared, "It is a popular belief that the eight hour movement of 1886 was a complete failure. Yet do you know of any trade in which the working people are working as many hours as they did before May 1, 1886?"

More important was the fact that the eight hour day movement led thousands of workers to join unions. It was a powerful organizing tool.

In Chicago, the organizing of the eight hour movement reached gigantic levels. While 80,000 struck in Chicago, most of them marched in a great parade throughout the city. Pinkertons and police watched nervously behind their gattling guns on rooftops lining the demonstration route. But there was no bloodshed.

The Chicago employers, however, were poised for retaliation. On May 3, Pinkertons and police locked out workers at the McCormick Harvester Works as the workers tried to prevent scabs from entering the plant. At quitting time hundreds of strikers were at the entrances of the plant to again confront the scabs. Chicago police advanced from the rear of the crowd and started firing. As the police fired into the backs of the strikers, several men and boys were killed trying to run from the police charge. The Chicago labor movement quickly called for a demonstration to be held the following day in Haymarket Square to protest this brutal act.

TDU Steering Committee Sends Donation

Support Reaffirmed for UFCW Local P-9

On April 26 the TDU International Steering Committee began its bi-monthly meeting by sending a donation to the United Food and Commercial Workers Local P-9 strikers in Austin, Minnesota. In a letter to P-9 President Jim Guyette, the Steering Committee said they wanted to "re-affirm our support for your courageous struggle against the union-busting of the Hormel Corporation."

What about the IBT's stand on this strike? On March 28 Jackie Presser sent a Titan message to all Teamster locals ordering that "all Teamster assistance to UFCW P-9 will be terminated consistent with the Executive Board action of the UFCW."

Fortunately, some local unions have ignored this message, in which Presser overstepped his authority and showed what his idea of solidarity is. Many Teamsters and locals are still supporting the strikers and their national boycott of Hormel products.

Contributions can be sent directly to P-9. Mail yours to: Local P-9 Adopt a Family Fund, 316 N.E. 4th Avenue, Austin, MN 55912.

The TDU Steering Committee spent most of the recent meeting reviewing and discussing the Right to Vote Campaign and upcoming IBT Convention. Reports were also reviewed on

TDU growth and recruitment, the continued need to raise more funds for TDU projects, and the recent change-over to a computerized system at the Detroit TDU office.

Nu-Car Driver Wins Job Back

continued from page 3

Jessup, Maryland lot, and then launched a massive investigation of NuCar. Fines have been levied against the company but as the investigation is continuing the BMCS refuses to disclose their amount.

Following his most recent discharge he was encouraged by the DOT to file a Section 405 complaint with OSHA, with the successful result that the Department of Labor has ordered NuCar to reinstate him. The company violated DOT regulations that prevent the dispatching of a driver when he is not capable of driving safely, and violated Section 405 by discharging Stone in retaliation for his safety activities.

According to Stone, "The union was presented with the same evidence I gave to OSHA. At the time of my hearing I had no cause to question the performance of my BA, Pete Tsam-



The crowd in Haymarket Square was peaceful. The mayor of Chicago had attended and left seeing the meeting was orderly. Around 10:00, as the demonstration was winding down, the police arrived and ordered the crowd to disperse. All of a sudden a bomb exploded among the police, killing one instantly and fatally wounding seven others.

The next day the papers screamed for blood. All evidence points to the fact that the bomb was actually thrown by police accomplices to incite the public and accomplish what they secretly hoped to do: kill the eight hour movement. Their main targets as "suspects" were eight of the most militant labor organizers in town, although only two had been at the scene of the crime.

The trial was a farce of injustice. Four of the accused received life sentences, and four were hanged. What the labor movement set out to do peacefully had been turned into a nightmare of violence by the employers and the police.

Today a check of figures from the Bureau of Labor Statistics will show the average weekly worktime in American industry is 43.6 hours per week. It seems we haven't got the eight hour day even in these modern times where productivity and new work methods have increased output tremendously. Yet the spirit of May 1 and the Haymarket martyrs lives on.

bikos, but now that the case has reached this point, and with the evidence I have gotten in the other investigations, I feel that I may have been deliberately misled by my union."

He also points out that the union refused to contact the DOT to determine whether his firing violated DOT regulations, which they are required to do under Article , Section of the Carhaul contract.

"Many people have asked me that if I don't like my job, why don't I quit, but my reply is that if I quit how will anything ever change?"

With stronger representation and enforcement by our International Union, perhaps fewer drivers would be put in the position of ever having to make this kind of decision about their jobs, or have to fight their way back to work after being discharged in retaliation for asking that their trucks be safe.

Local 326, Wilmington, Delaware

NLRB Cites M&G Over Firing

Paul DesRosiers
M&G Convoy
Newark, Delaware

On February 7, 1986, I was fired by M&G Convoy of Newark, Delaware. I have just learned that the National Labor Relations Board will issue a complaint based on the charges that I filed with them alleging that my discharge was in retaliation for my protected activities.

My discharge for "stealing time" was upheld by the Eastern Conference Committee within two weeks of my termination. I have been told by the Labor Board that they would not defer to this decision because it is "repugnant to the Act. The committee ruled on evidence that the company later contradicted in statements to the

Labor Board."

Drivers' Support Critical to Case

The company has alleged that I stole time for mis-logging four hours of my trip on December 30, 1985. On that date, my truck was broken down for a total of fourteen hours, and I spent four of those hours at a union hearing. I logged ten hours on my book and requested ten hours pay. The gist of the company's complaint was that I logged hours on duty when I was not sitting at the terminal waiting for my truck to be repaired. However, at my hearing six drivers testified on my behalf, and an additional twelve provided statements showing that I had merely followed the usual procedure for breakdowns.

In addition, I checked to make sure

my truck was not going to be ready before leaving, and had to wait for it an additional four hours when I returned. Essentially, I was accused of stealing time by violating a company policy that did not exist at that time. M&G did send a memo out to all drivers—a few days after I was fired—advising them of the correct logging procedure.

Without the assistance of the drivers who testified on my behalf, I am sure the Labor Board would never have taken my case.

Stealing time is one of those "crimes" that companies use to rid themselves of their activist employees. I did not do anything in violation of M&G's rules. What I am guilty of is opposing certain policies within Local 326—opposing the 1985-1988 carhaul



contract, and questioning the actions of one M&G vice president.

I filed my first board charges in October 1985, which were settled. I filed other charges in January when I received six harassing warning letters in one day (four were later rescinded) and then my third charge in February protesting my firing.

I believe the grievance hearing illustrates problems within our union. Most of the BAs who sat on the panel were sympathetic and for the most part they defended me aggressively in my hearing. However, I did not win my grievance.

Throughout the last two months I have received great assistance from TDU, both in learning how to represent myself before the Labor Board, and in maintaining my dignity and self-respect while waiting for the board to act. I am confident that I will return to work at M&G, and that as a result of the support shown by other drivers during this time we will be stronger than before. With a little effort I am certain that our union can be made strong again, and that the BAs, members and others who care about unionism, and not internal politics, will prevail.

"QWL" Programs Are Explored in New Book

Dominic Buscemi
Preston Trucking
Local 773, Allentown, Pennsylvania

Sometimes it's nice to just be alone with your thoughts in order to be able to think out ideas and opinions. To be able to set sail on a journey across an endless sea of thought and universe of imagination.

Let's start on a voyage by charting a sea of thought upon which to sail. Namely, Quality of Worklife (QWL) programs. What are they? How are they supposed to work? Are they for real?

Well, so far most of the information that we have is from studies conducted by management consultant firms who make money by selling these programs. I don't think I'd want to sail on an endless sea with such a limited, and possibly biased, set of calculations.

Inside the Circle: A Union Guide to QWL, by Mike Parker, is another view of employee involvement programs. It was written, not by a management consultant or university analyst, but by a university-educated blue collar worker who has experienced first hand the application of these techniques. Its 154 pages of interviews, cartoons and observations add up to an interesting and informative manual that examines the methods and goals of QWL programs. It also give the unions' response and practical suggestions on how to get the most out of these programs.

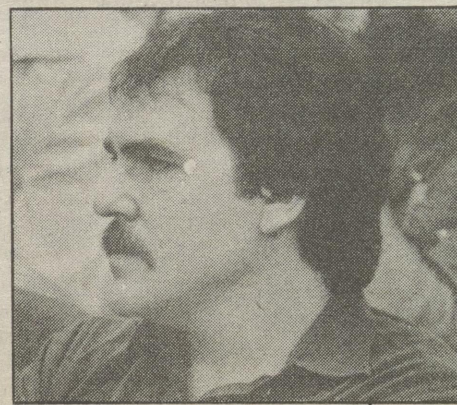
response and practical suggestions on how to get the most out of these programs.

If we put Parker's observations next to the consulting firms' findings it would appear that we are looking at basically similar, but vastly different territories. In fact the similarities are in the basics such as water being wet and seas being vast; while the differences lie in which course to sail in order to have the most rewarding journey.

Quality of Worklife was originally conceived to enhance the quality of working people's lives. It appears, however, that the major decisions are still made on the basis of increased profits and upper-management politics and cronyism, rather than on common sense and loyalty to the employees. Comments and suggestions that don't deal with increased profits and productivity are usually disregarded.

If management was sincere about the concept of participatory management they would leave more authority to the local managers and coordinating committees in deciding certain regional procedures such as hiring and work load requirements. They would also give the employees a voice in management transfers and qualifications of supervisors.

Inside the Circle goes into the



Preston driver and TDU member Dom Buscemi.

depths of participatory management schemes to reveal some of the shallowness of these concepts. It is a guide that every working person should consult before plotting a course on this journey into the unknown — into the future.

Carhaul Mileage Being Cut?

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drivers are waiting for the local to use this legal victory. The mileage cut to Chicago was from 264 to 262 and will eventually go to 255. This is a 3% cut, which cancels out the biggest part of last year's wage increase. And to think these people have the nerve to fire people for stealing.

If you're outraged by shortened mileages, reread the first story in this column. Everyone knows the routes these mileages are calculated over are ridiculous. Following them would increase running time and damages and decrease utilization of equipment. Drivers would suffer, but it seems likely management and the shippers would suffer and get more reasonable. We would be pleased to report the results of any experiments in this regard by a group of drivers.

The danger of locals undercutting each other for traffic was increased by the new rules announced by the union in January which allow a competitive deal to go ahead with approval of only one of the locals affected. This means we all have to look at the big picture when considering a proposal which looks OK from one angle. For example, CCI Dearborn has had a running mile deal to Florida since 1976. When the company talked about

cancelling the run because of light return traffic out of Jacksonville, some drivers suggested return loads could be picked up out of Doraville, Georgia. The new BA was ready to go along, until Steward Jim Carothers objected, pointing out that this would mean taking away loads now being pulled on a full-half basis by drivers out of Local 528.

Election Shows New Penn Unity

According to the Waterbury, Connecticut Local 677 members, their local bylaws do not provide for elected stewards, and when members feel there is a need to change stewards it can often be a divisive and difficult task for all involved.

Members at New Penn Express recently managed to change stewards without it resulting in rifts between members, or descending into a personality contest or hard feelings toward the outgoing steward or members spearheading the drive for a new steward. A meeting was held to discuss the need for a different steward and take a vote, which according to members present was handled well by all on hand.

You too can go ... Inside the Circle.

Inside the Circle is available for \$10 each copy plus \$1 postage. A 40% discount on orders of 10 or more.

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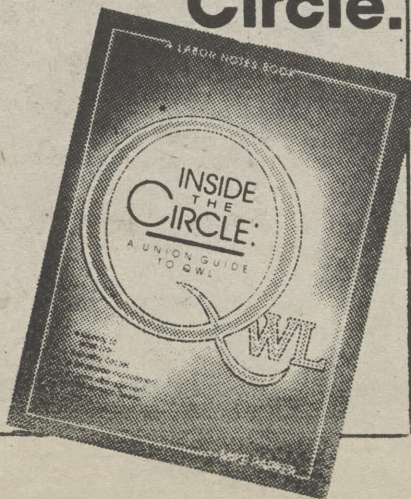
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Mail to:

Labor Notes, Box 20001, Detroit, MI 48220



Understand 30-and-Out, New Change on Past Service

Central States Pension Plan Changes

You've probably heard by now about recent changes in the Central States Pension Plan, including the new "30-and-out" pension.

The 30-and-out benefit provides a monthly payment of \$1,000 if you retire with 30 years of service and are under a contract in the top (Class 15) contribution level—payable regardless of your age.

The standard "Twenty Year Service Pension" at the new Class 15 contribution level (\$61 a week or \$13 a day employer contribution) features an improved top monthly benefit of \$900, if you retire at age 60, and \$700 if you retire at age 57.

These improvements in the Central States Plan will provide more generous benefits—but only for *some* participating Teamsters. And because of recent rule changes enacted by the trustees, even *fewer* Teamsters will qualify for the top pension.

One important rule change affecting your ability to qualify for 30-and-out or the \$900 service pension involves the earning of "past service."

What is "Past Service"?

Whether you qualify for a benefit under the Central States Plan, and the amount of your benefit, depends in part on how many years of "credited service" you earn. You generally earn a year of credited service, or part of a year, depending on the number of weeks or days your employer is obligated under the contract to contribute for you to the pension fund. The plan also counts years you worked when an employer was not contributing into the fund for you—this credit is

called "past service."

You can earn past service for work you did in the bargaining unit of an employer who is currently contributing into the fund, for years before the employer started contributing. And you can earn credited service for work you did that was not covered by a Teamster contract, if the work involved "usual Teamster skills" (such as driving, shipping), or if the work would normally be under a Teamster contract.

Years of past service are combined with your years of service based on employer contributions and counted toward the 20 years you need for a twenty year service pension. (Your years of past service counted, however, cannot be greater than your years of service based on employer contributions.)

Note that if your employer was obligated to make contributions for you, but failed to do so, you are entitled to full credit for this time. You can consult TDU for help if necessary.

30-and-Out

Many Teamsters may be planning for the 30-and-out pension on their credited service with the plan, but the 30 years of service needed for the 30-and-out pension must be based completely on years of employer contributions. *Past service is not counted towards the 30-and-out pension.*

If you had a "break in service" (for an explanation of "break in service" see the Summary Plan Description or the *Teamster Rank and File Pension Handbook*), your credited service be-

fore will possibly not be counted toward the 30-and-out—even if it was based on actual employer contributions. And service in another Teamster plan counted towards a Central States pension under "reciprocity" (again, consult the above booklets for an explanation) may not be counted towards 30-and-out. Check with the plan to find out exactly how you stand in terms of service creditable towards 30-and-out.

A Thing of the Past

Finally, under recent plan amendments, Teamsters who become participants in the Central States Plan after April 1, 1985 *will no longer be eligible for past service at all.* This rule

amendment does not affect participants who were in the plan before April 1, 1985.

This change has implications beyond retirement benefits. It hits Teamster organizing, also. For example, if an organizing drive is undertaken at Overnite Transportation, previously we could have promised the workers "past service credits" for their time at Overnite, to help induce them to go union. Now we can no longer do that.

While the Central States Plan has raised the benefits with 30-and-out, not all participants can count on the payoff. And for those coming into the plan now, the pot of gold may be far down the road.

Carhaul News

Framingham Drivers Call Anchor's Bluff

Framingham Anchor drivers recently used solidarity to defend their seniority rights and make an important point. Companies often act as if giving us assigned equipment is a favor and use this to win concessions on bidding rights, etc. Framingham drivers have minimized company manipulation of loads by sticking to a one-board, strict seniority system.

With the introduction of new "stinger" equipment, management has been pushing to put loads for these trucks on a separate board, claiming this

right under "utilization of equipment."

This spring the drivers called the company's bluff by exercising their right to give up assigned equipment and take any load available—which is driving management crazy. It has also meant increased aggravation and probably some lost income to Framingham drivers in the short run, but in the long run this kind of solidarity and short term sacrifice is needed to remind management that it is Teamster drivers and hourly personnel who haul the cars that produce the profits. Action like this in the past is one reason Framingham has maintained some excellent conditions. Congratulations!

Due to charges filed with the NLRB by TDU member Norm Barrette, Framingham management joins the long list of Anchor terminals required to post a notice promising to stop interfering with members' rights to distribute material and otherwise organize in self-defense.

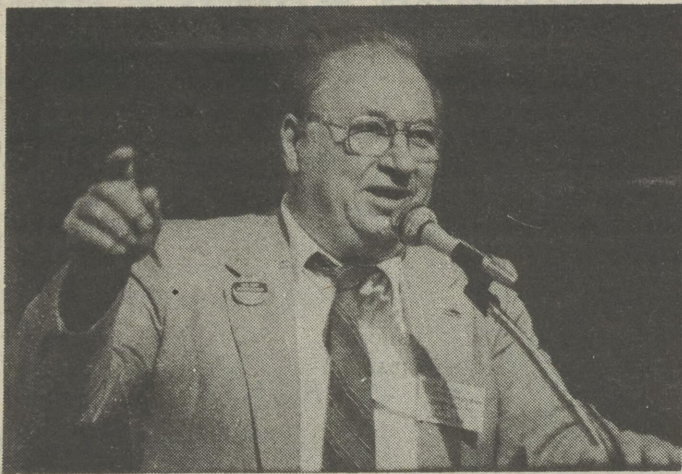
NLRB charges have also been filed against **Fleet Carriers in Pontiac** for illegally reprimanding TDUer Jim Petroff for distributing literature to his co-workers in the drivers' room.

KAT Driveaway division drivers in Springfield, Ohio Local 654 are righteously angry over a new company policy requiring them to use self-serve fuel pumps and paying them an insulting 1c per gallon for the work—that's right, 50c for fifty gallons!

Continental drift hits carhaul. Carhaulers are nervously awaiting some geological calamity as the distances between many cities has suddenly shrunk. Seriously, last fall CCI in Dearborn reduced the mileages for thousands of dealers, without so much as consulting the local union. There are similar reports from other areas. Local 299 went to the NLRB and won an order requiring CCI to provide full information and bargain with the local. In the meantime there has been a change of administration in 299 and

continued on page 11

Save the Date for 1986 TDU Convention



October 25-26, 1986
Atlanta, Georgia

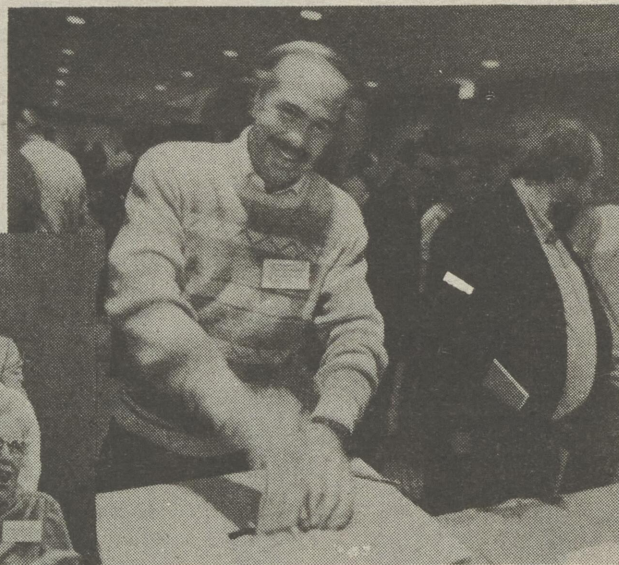


Photo by Bob Gumpert

For the education, information and the spirit of rank and file unionism, plan now to attend the 11th Annual TDU Convention.

